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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/534,836

03/24/2000

C. Andrew Neff

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05/25/2005

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/534,836	<b>Applicant(s)</b> NEFF, C. ANDREW	
	<b>Examiner</b> Firmin Backer	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

***Response to Request for Reconsideration***

1. This is in response to a request for reconsideration file March 22<sup>nd</sup>, 2005. Claims 1-40 are being reconsidered in this action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herschberg (*published literature provided by Applicant*) in view of Challener et al (U.S. Patent No. 6,081,793).

4. As per claims 1, Herschberg teach a method of registration, comprising receiving a hash of a public key and a written signature of each of a plurality of registrants through a first channel of communications that includes hand-delivery, receiving a public key and through a second channel of communications, different from the first channel of communications that excludes hand-delivery, for each of the plurality of registrants, digitally signing the public key if the hash of the public key of the registrant received through the first channel of communications corresponds to the public key of the registrant received through the second channel of communications; and providing the digitally signed public keys to an authenticating authority

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(*see abstract, fig 3.2, chapter 3, 4*). Herschberg fail to teach an inventive associated identifying information of at least some of the plurality of registrants. However, Challener et al teach associated identifying information of at least some of the plurality of registrants (*see column 7 line 38-8 line 18*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Herschberg to include Challener et al associated identifying information of at least some of the plurality of registrants because this would provided an improved method and system for voting which utilizes the internet and any other form of electronic communication, which maintains the same level of security and privacy in voting scheme.

5. As per claims 2, Herschberg teach a method further comprising rejecting the registrant if the hash of the public key of the registrant received through the first channel of communications does not correspond to the public key of the registrant received through the second channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

6. As per claims 3, Herschberg teach a method wherein receiving a hash of a public key and a written signature through a first channel of communications includes receiving a written message via a courier (*see abstract, fig 3.2, chapter 3, 4*).

7. As per claims 4, Herschberg teach a method wherein receiving a public key and associated identifying information through a second channel of communications includes

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detecting a signal carried in at least one of an electrical, a magnetic, and an electro-magnetic carrier (*see abstract, fig 3.2, chapter 3, 4*).

8. As per claims 5, Herschberg teach a method wherein the hash of the public key and the written signature of the registrants received through the first channel of communications are non-electronic (*see abstract, fig 3.2, chapter 3, 4*).

9. As per claims 6, Herschberg teach a method further comprising providing each of the registrants a copy of the respective digitally signed public key (*see abstract, fig 3.2, chapter 3, 4*).

10. As per claims 7, Herschberg teach a method further comprising creating a hash of the public key received through the second channel of communications for comparison to the hash of the public key received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

11. As per claims 8, Herschberg teach a method further comprising enabling the registrants to submit the public key and associated identifying information through the second channel of communications only after receiving the hash of the public key and written signature through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

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12. As per claims 9, Herschberg teach a method further comprising preventing the registrants from submitting the public key and associated identifying information through the second channel of communications until after the hash of the public key and written signature are received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

13. As per claims 10, Herschberg teach a method further comprising entering the hash of the public key received through the first channel of communications into an electronic database (*see abstract, fig 3.2, chapter 3, 4*).

14. As per claims 11-40, they disclose the same inventive concept as in claims 1-10. Therefore, they are rejected under the same rationale (*see abstract, fig 3.2, chapter 3, 4*).

### ***Response to Arguments***

15. Applicant's arguments filed March 22<sup>nd</sup>, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the newly cited reference, Challenger, describes only a typical electronic voting system, and again ignores registration. The only reference to registration in Challenger at column 2, line 61-column 3, line 9. In this section, Challenger takes for granted that voters are properly registered, and once registered, they receive a "smart card.". Examiner respectfully disagrees with Applicant's characterization of the prior art. Challenger teaches an inventive concept *wherein voters undergo a registration*

*process in order to become "qualified" to vote in an upcoming election (emphasis added).* According to Challenger voters are all registered to vote in accordance with the statutory and regulatory requirements. In accordance with the preferred embodiment of the present invention, voters are each issued an individual "smart card" which is utilized during voting in accordance with the preferred embodiment of the present invention. Furthermore, the voter registration process will proceed in a conventional manner, in order to determine eligibility to vote. Each jurisdiction has qualifications on the fundamental requirements for a voting citizen. It is through the registration process that ineligible voters are blocked or screened from obtaining a voter registration status. For the reason above, the rejection is maintained.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

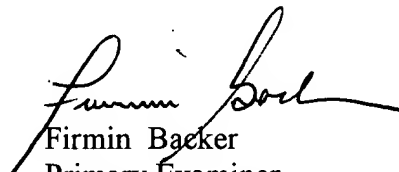
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

May 20, 2005